

PATENT
Docket NCR-8778

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SEP 19 2006

That office action is therefore defective, and should be withdrawn.

Supervisor Kalinowski asked for time to review the file wrapper.

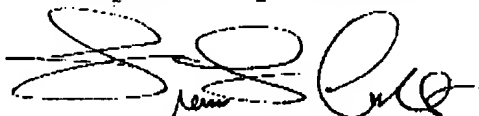
On 9/18/06 this attorney again spoke with supervisor Kalinowski who indicated that the favorable appeal decision rendered moot the pending objection to the specification, and that he would withdraw that objection, and issue a new office action to supplant the 8/22/06 office action.

The supervisor indicated that he would check the status of the Rule 197 amendment, and determine whether or not it was entered, and whether or not the additional fee therefor had been debited to the deposit account.

Applicant contends that that Rule 197 amendment should place the claims in condition for allowance, which is respectfully requested; and that Rule 197 amendment is incorporated herein by reference as a complete response to the 8/22/06 office action.

In the event the PTO fails to enter that amendment, Applicant will consider filing an RCE in response to the next office action.

Respectfully submitted,



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